

**Town of Navassa  
Planning Board Minutes  
November 10, 2009  
7:30 PM**

**IN ATTENDANCE:**

Planning Board Members: Al Beatty, Diane Graham, Walter Ballard, Robert McMillan

Staff: Travis Barnes, Town Planner.

Other Attendees: Julie Becker on behalf of Brian Drake, and Levi Moore

Call to Order – Al Beatty called the meeting to order at 7:40 PM.

Approval of Minutes – Mr. Ballard made a motion to approve the minutes from the previous meeting. Mr. McMillan seconded the motion to approve the minutes and the vote passed unanimously.

**NEW BUSINESS:**

- 1. Conditional Use Application (CUP-2009-001)**- Mr. Beatty stated that Brian Drake has submitted a complete CUP application for a request for a home occupation to do part time vehicle maintenance on no more than 3 vehicles at any one point in time. Mr. Beatty told the Planning Board members that there is an attached staff report that provides details on the proposal.

Ms. Julie Becker stood up and introduced herself as being a representative of Brian Drake who was unable to attend due to prior registration for an automotive excellence certification course.

Mr. Beatty noted that the property in question is zoned R-10 and an automobile repair shop is not listed as a permitted use in this district, so this proposal will have to be addressed as a conditional use. Ms. Graham asked that if this proposal gets approved and then the current property owner sales it to someone else, does the next property owner have the right to operate the use the same as before? Mr. Barnes stated that if the conditional use permit is approved by the Town Council then the conditional use will run with the land and would transfer to any new property owner that purchased this piece of property as long as they continued to run the automotive shop under the conditions that were originally imposed with the issuance of the permit.

Mr. Ballard asked what size and location is the property. Mr. Barnes directed the board members to look at the attached site plan and map in order to orient themselves to where the property is located and to see the relationship between the existing garage and the adjacent property owners. Ms. Graham asked for clarification that there will only be three cars allowed to be worked on at a time and she asked if they would all fit into the garage. Mr. Barnes stated that the existing garage is not large enough to store all three cars and went on to state that Article 8 of the zoning ordinance regulates accessory uses and home occupations, which is what this automobile repair shop would be classified as, and under those regulations no more than three customers can come to the dwelling at any one time. Mr. Barnes went on to state that after making a site visit he believes that having one car in the garage and two in the driveway would not be an aesthetic issue because the garage has its own driveway that is separate from the home and the home's other driveway. Mr. Barnes stated that across the street from the property is the railroad with all of the existing trees and that there will be no homes or businesses built on this side of the railroad so all future development will be effectively screened from being impacted by this conditional use due to the railroad ROW. Mr. Barnes stated that the main impacts will be on the adjacent property owners. Ms. Graham clarified that there is an existing business and mobile homes adjacent to the property on one side and that there is a home on the other side.

Mr. Barnes stated that the zoning ordinance lays out the criteria that must be met in order for a conditional use permit to be approved and that the staff report provided goes through each criteria and provides staff comments for each point. Mr. Barnes said that in looking through the staff report one of the items that should be considered is item 5, which addresses the electrical and mechanical equipment of the use and any change in the fire rating because of equipment. Mr. Barnes stated that he does not know exactly what equipment will be used in this shop, but the fire rating should be a consideration. Additionally, Mr. Barnes stated that bullet point 6 discusses the storage of flammable liquids and that the board needs to consider placing conditions on this use that would limit the risk of fire. Mr. Barnes stated that the applicant would like to store the flammable fuels on a covered concrete slab directly behind the existing garage and that another alternative would be to store it near the back property line adjacent to another existing shed. Ms. Becker stated that she had talked with Mr. Brian Drake about this idea but that he thought it would be a greater risk to the environment to transport the fuel in a container that would have wheels all the way across the yard, when it would be easier to roll it to the back of the garage and have it safely pumped into a storage container that would then be periodically pumped out.

Mr. McMillan stated that OSHA regulations would probably require the storage of the liquids in a container that would be surrounded by a concrete basin that would prevent the liquids from spilling. Ms. Becker stated that they could do that and it would not be a problem to meet any required standards. Mr. McMillan asked if the applicant would be doing any welding in the garage. Ms. Becker stated that there would be no welding to her knowledge.

Mr. Beatty asked how much materials such as tires, spare parts, old car parts, etc. would be stored on the property. Ms. Becker stated that the proposed use would only be a part time operation so there would not be a large inventory that would need to be stored and that items such as oil filters or other small things would be stored in cabinets inside the garage and that there is also additional storage in the existing shed at the back property line and the other carport that is attached to the house in which some items could be stored.

Mr. Beatty asked how much waste fluid would be stored on the property before it would be properly pumped out and safely removed. Ms. Becker stated that she was not exactly sure about how much fluid there will be but that they would have to consider what requirements the company collecting the old fluid would have that would dictate the amount of fluid they would be willing to make a trip to the property to collect. Mr. Beatty said that he is concerned about having a large volume of waste fluids stored on the property for safety reasons so the board would like to have some idea of how much fluid would be stored. Ms. Becker stated that the amount of fluid would also be dependent on how much business he would have and what type of jobs he would be doing. Mr. Beatty requested that the applicant provide an estimate of how much fluid would be stored on the property and to figure out an estimated schedule that would demonstrate how often the fluid would be pumped out and removed from the property.

Mr. Beatty asked the applicant how many personal vehicles they have on the property because he is concerned about the property looking like a car lot. Ms. Becker stated that they have three personal cars but that they will all be kept parked in the other driveway at the opposite side of the property that leads to the carport. Mr. Barnes stated that this information is depicted on the site plan.

Mr. Ballard asked how the used oil would be transferred from the car to storage. Ms. Becker stated that the oil would be drained into a tank with wheels and a funnel on top that would then be rolled over to a pump area that would have a hose running through the wall to connect to the storage tank on the cement basin stored on the backside of the garage so that way the rolling small container never has to go outside.

Ms. Becker asked the board if Mr. Drake does not get to the end of this meeting when would they need to get the additional information requested to the board. Mr. Beatty said that the board could take some tentative action at tonight's meeting but that they could also place on the agenda for next month as well.

Mr. Barnes stated that he believed that it would be good for the board to go through each item and make recommendations to the town council for any conditions that the board thinks is necessary. Mr. Beatty stated that in the past they have used a worksheet or form to go through and do this. Mr. Barnes stated that he is not aware of a form, but that he can create one or find one from a previous case if they are in an older file. Mr. Beatty stated that he would like to have this done for the next meeting.

Mr. McMillan asked what the neighbors think of the proposal. Mr. Barnes stated that he had asked Mr. Drake to speak to the neighbors about his proposal and to get a letter of support if they were willing to do so. Ms. Becker stated that Mr. Drake has not had an opportunity to speak to the neighbors about this yet do to his work schedule but that she does not think it will be a problem with the neighbors and that they will speak to them.

The board went down each item and put forth the following suggestions for the next planning board meeting:

- Checking on the proper procedure for storing the used fluids outside and the board requests that the storage container be placed in a concrete basin or other appropriate structure to prevent spills.
- The board would also like to see a service contract or some information from the company that will be coming to the home to pump out the used fluids in order to determine how frequently the excess fluids will be removed to determine how much will be stored on site on average
- The board would like a letter of support from the neighbors if they are willing to provide one
- Ms. Graham said that she would like the applicant to check into the potential change in the fire rating of the garage and home that could be changed by the presence of oil and equipment, etc.
- Mr. Beatty stated that he would like to see some form of a condition that would require the applicant to properly address any potential spills of fluids from the vehicles while they are sitting in the driveway waiting to be worked on or while they are being worked on in the garage. Mr. McMillan stated that there are some types of lining that can be placed down to help protect against spills.
- Mr. Beatty asked about hours of operation. Mr. Barnes stated that the draft noise ordinance limits the operation of loud machinery in residential areas from 7:00 am to 6:00 pm. Mr. McMillan stated that Mr. Drake would be allowed to work in the garage at other hours although he would not be able to rev up the engine or create a lot of noise that would disturb the neighbors. Mr. Barnes stated that it would also affect the business hours and that Mr. Drake would not be allowed to have people dropping off cars early in the morning or late at night.
- Mr. Beatty asked to readdress storage. Ms. Becker stated that there is plenty of storage if you consider the storage shed at the back property line, the carport, and the garage and the fact that they will not be storing a lot of inventory for a small operation. Mr. Beatty stated he was more concerned with used parts off of the vehicles that will be worked on and that the town does not want a lot of junk to be seen from the road or from adjacent property. Mr. Beatty stated that any junk materials would have to be stored inside one of the storage areas or be placed in a wooden fenced in area that would be located behind the garage, and that the fence would need to be residential in character.

Mr. Beatty stated that he would like staff to compile all of the suggested conditions into a form and to communicate with the applicant to make sure they are aware of all the additional information requested so that board can make a formal recommendation to council at the next meeting in December. Mr. Barnes said

that he will take care of it and then he told Ms. Becker that the Planning Board will continue this conditional use application until the December 9<sup>th</sup> meeting. At which time the board will make a recommendation up to the town council who will have to set a date to hold a public hearing that will be advertised so you are looking at possibly getting approval in January or February.

2. Chairman Beatty stated that new business item 2 is that Councilman Mike Ballard has requested that Laing Trail be renamed to "Buddy and Nita Drive". Mr. Barnes stated that he talked with Mr. Ballard and Mr. Ballard stated that this is a private road that is not currently maintained by the town. The property owners are dedicating right of way to the town in order to help with the sewer line project that the town is installing in this area. Mr. Ballard also said that in the past he has had property ownership disputes with the Laing family but that has recently been resolved and there is no longer a lien on the property along this road and therefore they are requesting to change the name of the road. Mr. McMillan clarified and described to the board the location of Laing Trail within the town and Mr. Barnes showed the board the location on the town map. Mr. Beatty stated that he would like for the board to receive some information that verifies who owns the land in order to make sure that everything has been resolved before the board makes a decision. Mr. Barnes stated that he asked the Town Clerk if there were already any adopted policies in place to properly handle a request to rename a road and that the town does not have one to his knowledge. Mr. Ballard has stated that it would be good to run the request by the Planning Board and for the board to make a recommendation to council. Mr. Barnes stated he has researched what policies other town's have for processing requests to rename streets and then he proceeded to read out a policy that he has prepared, which is attached to these minutes. Mr. Beatty stated that he liked the proposed policy. Mr. McMillan stated that with the request to name Laing Trail there was some dispute over who owned the property so he also agreed that we need to have a policy in place to address these requests in order to make sure that the residents support it. Ms. Graham stated that she thought it was a good guideline that is fair to everyone.

MS. GRAHAM MADE A MOTION THAT THE PLANNING BOARD RECOMMEND THAT THE TOWN COUNCIL ADOPT THE PROPOSED POLICY FOR RENAMING PUBLIC AND PRIVATE STREETS. MR. BALLARD SECONDED THE MOTION AND IT PASSED UNANIMOUSLY.

- Mr. Beatty stated that he would like to add an item to the agenda that was not previously mentioned. Mr. Beatty asked the board if the 7:30 PM meeting times are working for everyone. Mr. Beatty stated that he would prefer to meet earlier at 6:30 PM. Ms. Graham stated that she has tried 6:30 meetings for other things and it is sometimes difficult for her to get off work and then to come across the bridge and get home and then get to a meeting. Mr. Beatty stated that he would like to have the extra time of daylight in the summer. Ms. Graham asked staff what their opinion was seeing that staff stays at the town hall to work. Mr. Barnes stated that it does not make sense for him to drive home from work at 5:00 PM just to turn around and be back at a meeting at 7:30 PM so he stays in the office and works the whole day. Mr. Barnes stated that he is often very productive during these times because there is not as much traffic in and out of the office and that he did not have a preference between the times. Ms. Graham stated that it would be hard for her to make it to some meetings if we moved the time up. Mr. McMillan stated that he did not have a preference on the time either. Mr. Ballard stated that he also did not have a preference. Mr. Barnes stated that this issue ties in with the Old Business agenda item 3, that discusses the Planning Board bylaws and that we should transition into that agenda item to get it taken care of seeing that we will most likely not have time to fully address the noise/nuisance ordinance and that the text amendments have been tabled.

**OLD BUSINESS:**

3. Mr. Beatty approved going forward with the bylaws discussion Old Business Item 3. Mr. Barnes stated that the new zoning ordinance does not specify bylaws like the previous zoning ordinance did and that it simply states that the Planning Board shall adopt bylaws and that planning board members shall be appointed by the town

council. Mr. Barnes stated that he would like the board to come up with draft bylaws that they could recommend to the town council for review at the council retreat in January. Mr. Barnes stated that he has researched how the other local municipalities compose their planning boards as a reference. Mr. Barnes stated that Leland has 7 Planning Board members appointed to 2 year terms and they have no council liaison on the board; Belville has 7 Planning Board members and they are appointed to 3 year terms; Wilmington has 7 members that are appointed to 3 year terms and neither Belville or Wilmington has a council member on the board. Mr. Barnes then stated that according to the old zoning ordinance the Navassa planning board members were appointed to 3 year terms although after talking with Mayor Willis it appears that vacancies and replacement appointments have been made every 2 years along with the election cycle. Mr. Barnes stated that now there is a new zoning ordinance in place and a new town council that it would be good to revisit the board's bylaws and to get the town council to appoint the planning board members to specified terms after the January retreat so that everyone can be more organized.

Ms. Graham said that she would like to talk about the number of members on the board. Ms. Graham stated that before the town annexed Phoenix the board had 5 members and that after annexation a member was added to represent that area of the town. She went on to state that she would like the new bylaws to be written so that each district has equal representation on the planning board. Mr. Barnes said that the bylaws could state that a member would be appointed from each of the three districts and then two members could be appointed from the town at-large. Mr. Beatty agreed that equal representation was an important issue. Mr. Barnes stated that some of the other towns require people that are interested in being on the board to submit an application or personal statement that details their experience and their reasoning for wanting to be appointed to the board so that the appointments would ideally be based on qualifications of the applicants. Mr. McMillan asked what the qualifications would have to be. Mr. Barnes stated that there would not be a set threshold for experience or qualifications but that each potential board member would have to at least write why they wanted to be on the board and their background so that the council could make an informed decision. Mr. Barnes went on to state that having a formal process in place just works to increase the professionalism of the board and the transparency of the council's decision-making process.

Mr. Beatty began to read through the old bylaws and directed the staff to start drafting a new set of bylaws by using the old ones as a guideline and the board's comments on this issue. Mr. Beatty stated that he liked having only 5 members on the board and having one representative from each district and two from at large. Ms. Graham stated that she liked 3 year terms but that appointments should be staggered and everyone agreed. Ms. Graham stated that you don't want to have a majority of the board to be replaced at the same time. Mr. Barnes agreed and stated that in order to promote consistency on the board it would be good to have no more than 2 members replaced in any given year. Mr. Beatty stated that he would like to still allow board members to be reappointed to the board and everyone agreed. Mr. McMillan stated that when there are upcoming vacancies on the board that the town should have to advertise the opening so that interested persons would be able to apply. Everyone agreed that advertising and posting vacancies in the Town Hall and on the town's website would be a good idea.

The board discussed the roles and responsibilities of the board members and agreed that the old bylaws did a good job of describing the roles of the Chairman, Vice-Chairman, and Secretary. The board agreed that the meetings would remain on the second Wednesday of each month. Mr. Beatty asked the board again whether they wanted to change the meeting time to 6:30 PM as opposed to 7:30 PM. Mr. Barnes stated that we should consider that the Town Council meetings are also at 7:30 PM and that it might be confusing for the public to have to keep up with different dates and times. Ms. Graham stated that if you consider the time that it takes for people to drive home from work and then get the kids something to eat and then get to a meeting, 6:30 PM is too early for the public. The board agreed to leave the meeting times at 7:30 PM. The board directed staff to prepare a draft of the bylaws and to send them out to the board for review and they would vote on the draft bylaws at the December meeting.

1. Mr. Beatty stated that he would like to go over item number 1 under old business which is the noise and nuisance ordinance. Mr. Beatty asked staff to give an overview of the police department's comments on the draft ordinance. Mr. Barnes stated that he did not receive written comments from the police department although he had requested them to do so for the past two weeks. Mr. Barnes stated that he has had the opportunity to talk with the majority of the officers about the ordinance and based on those conversations he has an idea of their opinions. The officers like the fact that they will be able to enforce the noise portion of the ordinance and would be able to issue citations for certain noise nuisances. Mr. Barnes stated that the police department believed that Brunswick County could enforce the nuisance portion of the ordinance. Mr. Barnes stated that he has had a few conversations with Ted Adams, with Brunswick County Code Enforcement, and that they were willing to enforce the county's nuisance ordinances in Navassa as they already do for a number of other smaller towns. Mr. Barnes stated that the Town Council would have to come up with an interlocal agreement between the town and Brunswick County that would specify how the enforcement would take place and that an attorney for the town and the county would need to review it.

Mr. Beatty stated that he was unsure of having the county come into Navassa to regulate nuisances because he feels that some of the community members would not appreciate that. Mr. Barnes stated that some of the advantages of going with Brunswick County is that they already administer our permitting and inspections, they already have the staff and expertise to properly enforce the code, and that the county has the equipment to go ahead and actively remove nuisances themselves. Mr. Barnes stated that he has also talked with Ashli Barefoot, Code Enforcement Officer for the Town of Leland, and they administer their own code enforcement and she has to have a competitive bid process to actively remove some nuisances because Leland does not have the staff or equipment to do so. Mr. Barnes stated that if Navassa wants to administer its own code enforcement they would need to hire a full time code enforcement officer to do so because he is not formally trained in code enforcement and he does not have the time to administer the ordinance with the rest of his job responsibilities. The board needs to think about how much it would cost to pay for an employee, training, benefits, etc. Mr. Barnes also stated that if Brunswick County were to administer a nuisance ordinance for us they would treat every case the same and there would be no pressure on them to show favoritism to some areas of the community versus others.

Mr. Beatty stated that he would like staff to create a chart that displays the board's options for enforcing the code and to have the pros and cons of each option clearly specified so that the board can make an informed decision. Mr. Barnes stated that he will continue to research the issue and requested that the board members go through the entire ordinance line by line to see what they liked or disliked about it. Mr. Barnes stated that he would also like to have a few public hearing on this issue in order to get more information from the public.

#### **STAFF REPORT:**

1. **Development Summary:** There have been 6 zoning compliance applications approved this month: 1 for the remodel of 824 Pine Valley Drive as part of the CDBG, 1 for a new 2 story single family home and detached garage at 9856 Trestle Way, 1 for construction of a new 4' fence at 920 Church St. in conjunction with zoning compliance for a home day care for Deborah Greene. Ms. Greene has been directed to provide the planning staff with a copy of her license upon certification by the state. 1 for a new Habitat for Humanity Home at the new address of 1211 Old Mill Road, 1 for the construction of the new fire station, and 1 for a minor accessory building at 929 Bobby Brown Circle in Lena Springs.
2. **CAMA Land Use Plan text amendments:** Staff met with Mike Christenbury with the Division of Coastal Management to discuss updating the Draft 2008 CAMA Land Use Plan on October 20th. Mr. Barnes stated that the draft plan has some serious issues that would keep it from being approved by the CRC at this time. Mr. Barnes stated that the maps were missing although he got in touch with Haskell Rhett, who was a consultant on the plan, and he has now obtained a copy of the associated maps. Mr. Barnes stated that he will forward the maps to Mike Christenbury

and that Mike has stated that the town might be able to get another grant to help revise the draft plan and make it better. Staff also discussed the potential text amendments to the 1999 CAMA Land Use Plan and the Draft 2008 CAMA plan that would revise the policy of not allowing upland marinas within the town. Mr. Christenbury stated that the CRC often favors upland marinas and he does not know why the town did not want to allow them if they were to allow marinas at all. Mr. Barnes stated that he might also try to work with Dr. Mark Imperial with UNCW to see if he would be willing to have a class help revise our 2008 draft.

**CHAIR'S REPORT:**

1. Next Planning Board meeting will be Wednesday, December 9<sup>th</sup> at 7:30 PM.

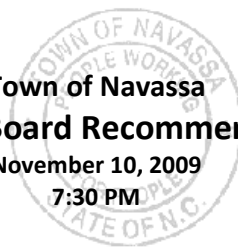
**MEMBER COMMENTS**

**PUBLIC COMMENT**

**ADJOURNMENT**

Minutes prepared by Travis Barnes, November 19, 2009.

## ATTACHMENT 1



**Town of Navassa**  
**Planning Board Recommendation**

November 10, 2009  
7:30 PM

### Planning Board

Al Beatty, Chair  
Melvin Walker, Vice Chair  
Walter Ballard  
Charlie Graham  
Diane Graham  
Robert McMillan

Travis Barnes, Town Planner

### Policy for Renaming Public & Private Streets

The process for renaming a public or private street is as follows:

1. To request a street name change for a public or private street, the applicant must provide a written petition to the Planning Department that states:
  - a. Name and contact information of the applicant
  - b. Indicate if the applicant is a property owner, lien holder, tenant, agent, or other
  - c. The existing name of the street
  - d. The proposed name of the street
  - e. Reason for requesting the name to be changed.
  - f. The source/meaning/ or background of the suggested name change
2. The petition is mailed out by Town staff to all property owners (as identified by the Brunswick County Tax Records) that may be affected by the proposed street name change and they are requested to provide any comments they may have to the Planning Department.
3. Appropriate public agencies are notified of the proposal and are given 30 days to provide comments on it.
4. The Planning Board shall review the feedback and comments received from the circulated petition and make a recommendation to the Town Council.
5. A notice is mailed out to property owners informing them of the results of the circulated petition and the date of the Town Council's public hearing on the proposed renaming of the street.
6. At the scheduled public hearing, Town staff provides the City Council with the results of the circulated petition and feedback from public agencies.
7. After hearing public comments the Town Council takes action to approve, deny, or continue the request to another scheduled Town Council meeting. They may also require staff to provide other alternatives or information before they make a final decision.
8. Once the street name change is approved by the Town Council, the Resolution of Authorization is recorded with the County Recorder's Office.
9. Notices are mailed to affected agencies.
10. Sign changes are made and the applicant must agree to pay for the cost of changing the signs including materials and labor.